

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEONID GROSSMAN

Appeal No. 2000-2193
Application No. 08/877,465

ON BRIEF

Before HAIRSTON, BARRETT, and LEVY, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 18. In an Amendment After Final (paper number 7), claims 1, 7 and 14 were amended, and claims 3, 10, 12 and 15 were canceled.¹ Accordingly, claims 1, 2, 4 through 9, 11, 13, 14 and 16 through 18 remain before us on appeal.

¹ As a result of the cancellation of claims 3 and 10, claims 4 through 6 and 11 now improperly depend from canceled claims.

Appeal No. 2000-2193
Application No. 08/877,465

The disclosed invention relates to a method and system for tagging an encapsulated packet that is sent from one end station to another end station in a computer network. In the encapsulated packet, the tag is provided between two media headers.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for achieving effective communication across a media of data transmission in a computer network, the computer network including a plurality of end stations, a portion of the plurality end stations lacking operating system support for the media, the method comprising:

providing an encapsulated packet from one end station of the portion of the plurality of end stations;

utilizing a tag as an indicator of encapsulation within the encapsulated packet; and

providing the tag between a media header and a known media header in the encapsulated packet.

The references relied on by the examiner are:

Edsall et al. (Edsall)	5,742,604	Apr. 21, 1998 (filed Mar. 28, 1996)
Hyden et al. (Hyden)	5,774,461	Jun. 30, 1998 (filed Sep. 27, 1995)

Claims 1, 2, 7, 8, 11 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Edsall.

Appeal No. 2000-2193
Application No. 08/877,465

Claims 4 through 6, 9, 14 and 16 through 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Edsall in view of Hyden.

Reference is made to the briefs (paper numbers 11 and 13) and the answer (paper number 12) for the respective positions of the appellant and the examiner.

OPINION

All of the claims on appeal require that the tag in the encapsulated packet be placed between two media headers.

The examiner is of the opinion (answer, pages 4 and 9 through 11) that the interswitch link (ISL) source address (SA) is a tag between an ISL destination address (DA) media header and an Ethernet header (i.e., VLAN) in the ISL encapsulated packet 600 (Figure 6).

Appellant argues (brief, pages 9 and 10; reply brief, pages 2 and 3) that the examiner has improperly parsed an ISL header comprised of an ISL destination address 602 and an ISL source address 604 into both a header and a tag placed at the beginning of an ISL encapsulated packet 300 to arrive at the claimed invention.

Appeal No. 2000-2193
Application No. 08/877,465

We agree with appellant's argument. In the ISL encapsulation technique disclosed by Edsall, the original packet 300 (Figures 3 and 6) is tagged with an ISL header that includes both the ISL destination address 602 and the ISL source address 604 (column 6, lines 19 through 27 and 56 through 67; column 7, lines 33 through 44; and column 8, lines 23 through 31 and 41 through 60). Thus, the 35 U.S.C. § 102(e) rejection of claims 1, 2, 7, 8, 11 and 13 is reversed because "there is no basis for calling Edsall's ISL destination address a media header and ISL source address a tag" (reply brief, page 3).

The 35 U.S.C. § 103(a) rejection of claims 4 through 6, 9, 14 and 16 through 18 is reversed because the wireless LAN teachings of Hyden do not cure the noted shortcoming in the teachings of Edsall.

Appeal No. 2000-2193
Application No. 08/877,465

The decision of the examiner rejecting claims 1, 2, 7, 8, 11 and 13 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 4 through 6, 9, 14 and 16 through 18 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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STUART S. LEVY)	
Administrative Patent Judge)	

KWH:hh

Appeal No. 2000-2193
Application No. 08/877,465

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